

FILED

STATE OF NORTH CAROLINA

COUNTY OF IREDELL

REID DEVELOPMENT LLC,

PETITIONER,

v.

NC DEPARTMENT OF ENVIRONMENT &  
NATURAL RESOURCES, DIVISION OF ENERGY,  
MINERAL, & LAND RESOURCES,

RESPONDENT.

2015 NOV 30 PM 4: 07  
OFFICE OF ADMIN HEARINGS

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
13-EHR-16963

**SETTLEMENT AGREEMENT**

The former North Carolina Department of Environment and Natural Resources, which is now the North Carolina Department of Environmental Quality ("DENR/DEQ"), Division of Energy, Mineral & Land Resources ("DEMLR") Respondent, and Reid Development, LLC ("Petitioner"), hereby enter into this Settlement Agreement ("Agreement") in order to amicably resolve matters in controversy as it relates to the civil penalty assessment herein described. This matter arose out of the assessment of a civil penalty issued by DENR/DEQ in the amount of thirty-seven thousand, seven hundred fifty dollars (\$37,750.00), imposed upon Petitioner on July 23, 2013 (the "Civil Penalty Assessment"), for violations of the Sedimentation Pollution Control Act of 1973, North Carolina General Statute § 113A-50 *et seq.* ("SPCA"). DENR/DEQ and the Petitioner have reached the following settlement agreement in this matter:

1. The Petitioner will pay one thousand dollars (\$1,000.00) to DENR/DEQ for settlement in the manner hereinafter described. The Settlement Amount shall be made in two

(2) equal installments of five hundred dollars (\$500.00), due and payable on or before the following dates:

- First Installment: within thirty (30) days of the execution of this Agreement;
- Second Installment: within thirty (30) days after the due date of the 1<sup>st</sup> Installment.

2. The payments shall be by check made payable to the North Carolina Department of Environmental Quality (or to "DEQ") at the following address:

John Payne, Assistant Attorney General  
Attorney General's Office  
Environmental Protection Division  
Post Office Box 629  
Raleigh, NC 27602-0629

3. The material breach of any condition of Paragraphs one or two by Petitioner will render due and payable the entire amount of the Civil Penalty Assessment, i.e., thirty-seven thousand, seven hundred fifty dollars (\$37,750.00).

4. Petitioner and DENR/DEQ expressly stipulate and acknowledge that, by entering into this Agreement, Petitioner admits the allegations contained in the Civil Penalty Assessment regarding violations of the Sedimentation and Pollution Control Act and that Petitioner's demolition activity on the Site constituted a land disturbing activity.

5. DENR/DEQ agrees to accept the payment of one thousand dollars (\$1,000.00), in complete satisfaction of the Civil Penalty Assessment subject to the terms of this Agreement.

6. DENR/DEQ agrees that, as indicated in the Sedimentation/Construction Stormwater Inspection Report dated September 18, 2014, the site that is the subject of Civil Penalty Assessment (the "Site") reached compliance with the SPCA and NPDES Permit NCG010000 and that Petitioner is not subject to additional penalties for the violations listed in

the Civil Penalty Assessment. "Site Closure" can occur when the Site is fully stabilized and no land disturbing activities are occurring, at which time DENR/DEQ will close its SPCA file for the Site. DENR/DEQ shall notify Petitioner of Site Closure by issuing a Site Closure letter to Petitioner, with a copy to undersigned counsel for Petitioner.

7. Nothing in this Agreement shall restrict any right of DENR/DEQ to take any enforcement action against Petitioner for any future violations; i.e., violations occurring after the date hereof.

8. This Agreement shall be binding upon the parties and is entered into knowingly, intelligently, and voluntarily.

9. Petitioner is insolvent, and not actively conducting business.

10. Within five (5) days of final execution of this Agreement by the parties, Petitioner will dismiss this contested case with prejudice.

This the 23rd day of November 2015.

**SIGNATURES TO FOLLOW ON NEXT PAGE**

FOR THE NC DEPARTMENT OF ENVIRONMENTAL  
THE PETITIONER:  
QUALITY/DIVISION OF ENERGY, MINERAL  
DEVELOPMENT

FOR

REID

AND LAND RESOURCES

  
\_\_\_\_\_  
Tracy E. Davis, Director

  
\_\_\_\_\_  
Garen A. Nelson, Manager

Division of Energy, Mineral and  
Land Resources

Date: \_\_\_\_\_  
\_\_\_\_\_

11/23/2015

Date: 10/28/2015